



MONO COUNTY

SHERIFF

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Ralph Obenberger
Sheriff/Coroner

MONO COUNTY SHERIFF'S OFFICE

Robert Weber
Undersheriff

October 2, 2013

Honorable Judge Stan Eller
Presiding Judge Superior Court – Mono County
100 Thompson Way
PO Box 1037
Mammoth Lakes, CA 93546

Re: Response to the Mono County 2012-2013 Grand Jury Final Report

Dear Judge Eller,

I am writing in response to the 2012-2013 Grand Jury Final Report relating to the investigation(s) that related to the Mono County Sheriff's Office. I will respond to each investigation separately and comment individually on the Grand Jury's "Findings and Recommendations" associated with each investigation.

Case # 2013.04

This case discusses the Sheriff's Office only briefly on page 23. This case appears to be relating to overall County issues and their procedures, as there are no findings and recommendations relating specifically to the Sheriff's Office. Due to this fact, I will not be commenting on this case.

Case # 1213.05

This case relates to a use of force by Sheriff's Deputies.

Findings and Recommendations:

1. Finding: The officers had probable cause to search occupants and vehicle, based upon the occupants' observed actions and circumstances.

Recommendation: None

Sheriff's Response: I agree with finding.

2. Finding: The officers followed guidelines outlines in the MCSD Policy 300.

Recommendation: None

Sheriff's Response: I agree with finding.

3. Finding: Medical attention was requested and provided.

Recommendation: All Sheriff's vehicles to carry a first aid kit and water to counteract the effects of pepper spray.

Sheriff's Response: I agree with finding. The recommendation for all Sheriff's vehicles to have a first aid kit is moot as when a vehicle is put into initial service a first aid kit is a standard item for the vehicle. The recommendation for water to be available is not feasible due to the freezing temperatures during winter months in Mono County. Water containers no matter what material they are made out of would not keep the liquid water from freezing, possibly compromising the container itself causing leakage or spillage. Any individual that is pepper sprayed will receive a medical clearance prior to booking, ensuring the individuals health and safety, coupled with the fact that experts also state that another relief from pepper spray is fresh air to air out your eyes. With both of those in mind, I believe the Sheriff's Office is doing everything for the individual that is necessary. This part of the recommendation (water being available) will not be implemented because it is not warranted or is not reasonable.

4. Finding: Complainant resisted officer's repeated directions to vacate the vehicle. After the complainant was removed from vehicle, the search of the complainant, and the care provided for the complainant, were not captured on camera.

Recommendation: (1) Whenever possible, officer contact with individuals should be captured on camera. (2) Dialogue from visual and audio tapes should be transcribed as supplemental to the officers' report when applicable.

Sheriff's Response: I agree with finding. (1) Any contacts that are captured on video are useful in many ways (citizen complaints, court proceedings, etc.). The Sheriff's Office has spent tens of thousands of dollars in the past years installing and maintaining the video recording systems in our patrol vehicles. These systems are only a fixed unit that points directly ahead of the vehicle itself. The Sheriff's Office currently has plans for purchasing video recording units that would be affixed or worn by the deputy himself/herself to enable the recording of possibly more interaction between the deputy and citizen encounters. These new video recording devices are quite expensive, thus we have budget concerns. This coming year we are planning on purchasing a number of individual video units but we are unsure if we will be able to outfit the entire patrol force this year due to cost. This recommendation has partially been implemented (vehicle cameras) but it has not been implemented fully as of yet relating to all contacts being videotaped. The recommendation will be fully implemented in the future if and when the budget allows it. (2) Recommendation for all dialogue to be transcribed is time and cost prohibitive. Encounters are routinely tape recorded and/or video recorded, and if the deputy believes that the recording would be beneficial in any way in future proceedings, he/she has been instructed to place those recordings into evidence, and at a future date if needed, these recordings can be transcribed at that time at the request of Sheriff's Administration, District Attorney, Public Defender, etc. There are too many encounters deputies face daily in which a routine transcription of that event would have no consequence or use. This recommendation will not be implemented because it is not warranted or it is not reasonable.

5. **Finding:** The amount of pepper spray used during the encounter was difficult to ascertain from viewing the video tape.

Recommendation: Develop a system to document when a canister of pepper spray is issued to an officer and when a canister has been depleted.

Sheriff's Response: I agree with finding. Recommendation to document the issuance of pepper spray has not been implemented yet, but will be soon. We are currently developing a computer spread sheet to track the issuance of pepper spray along with the lot # of the spray itself, date of expiration, etc.

Case # 1213.06

This case relates to the tour of the Jail.

Findings and Recommendations:

1. **Finding:** The jail was clean, well maintained and is working well with the budgetary limitations put upon it.

Recommendation: None

Sheriff's Response: I agree with finding.

2. **Finding:** AB109 has not seriously impacted the functions of the jail, but concerns are present relating to mixing inmate classifications.

Recommendation: The county should be planning ahead to determine a viable solution to housing long-term inmates as a result of AB109.

Sheriff's Response: I agree with finding. The recommendation is logical thinking and the county, along with the Sheriff's Office, has already begun to tackle this issue. The Kitchell Group conducted a Jail Needs Assessment and what possible future needs we might have. They concluded that due to a rising inmate population, Mono County will ultimately need a new jail facility within the next 5-10 years. The cost of the facility construction would be approximately 25 million dollars. The State of California has offered various Assembly / Senate Bills to help counties with the building or expansion of jail facilities, but Mono County did not meet the 'need' as Mono County is not overcrowded with its jail population, along with other factors. Mono County did identify the jail need issue with their current public hearings for the 2013 Fiscal Budget, so the county is well aware of the issue at hand, although county funding is not available at this time. At this time the recommendation has been implemented.

3. **Finding:** The voluntary work assignments are valuable to the inmate and community, but are limited due to current staffing levels.

Recommendation: Hire extra staff to enhance the voluntary work assignments.

Sheriff's Response: I agree with finding. Recommendation to hire additional staff has already been implemented with one additional staff member hired as of July 2013. This has been done with the funding coming from the Community Corrections Partnership (CCP) via AB109 funding from the State

of California. With this additional staff member, after training is completed, we will be able to more fully implement the volunteer work program allowing the inmate(s), communities, etc. to benefit from this outside work program.

4. Finding: There are only two cook staff members and when one is sick or on vacation, the other cook staff member must work additional days to insure proper operation of the facility.

Recommendation: Hire a third cook, possibly part time, to fill in when needed.

Sheriff's Response: I agree with finding. Recommendation to hire additional cook staff has been brought up before by Sheriff's Staff along with previous Grand Juries, but no new allotted staff positions have been approved by the Board of Supervisors. At this time the recommendation will not be implemented.

5. Finding: Jail and Dispatch operations have limited staffing.

Recommendation: Minimum staffing standard be established for safety, along with additional staff being hired.

Sheriff's Response: I agree with the finding. Recommendation for a minimum staffing standard is moot as there is already a minimum staffing level that we maintain. I agree that additional staffing should be hired for safety of all involved, but no new allotted staff positions have been approved by the Board of Supervisors. At this time the recommendation will not be implemented.

6. Finding: The 911 dispatching system and electronic control systems are reaching the life expectancy.

Recommendation: That both systems replacement be addressed by the Board of Supervisors and the county should budget for this now to plan ahead.

Sheriff's Response: I agree with the finding. The CCP has allotted the Sheriff's Office funding (\$250,000) to replace both systems and the Sheriff's Office is currently obtaining bids to do a complete replacement which should be completed within the next six months.

7. Finding: There is a lack of physical and mental recreation, along with classroom opportunities for inmates.

Recommendation: That funding is obtained for classroom and outdoor programs to be enhanced, along with possibly expansion of the jail facility or even a new jail facility.

Sheriff's Response: I agree partially with finding. I do agree that the physical jail facility is lacking in space thus restricting the opportunities for inmate outdoor recreation time along with indoor classroom time. I do not agree that "3-5 hours of outside exercise per week is insufficient." The Sheriff's Office ensures that we meet or exceed the State requirements for inmate care and custody. State requirements for outdoor recreation is a minimum of 3 hours per week, if the inmate so chooses. The funding for the expansion of the jail or a complete new jail facility is extremely costly and the funding for such is not currently available via the county or the State of California. At this time the recommendation will not be implemented.

Respectfully,

A handwritten signature in blue ink, appearing to read "R. Obenberger". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Ralph Obenberger
Sheriff / Coroner